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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,612	12/04/2003	Akiyoshi Chosokabe	Q78605	5767
23373	7590	07/08/2010	EXAMINER	
SUGHRUE MION, PLLC			HARPER, TRAMAR YONG	
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037			3714	
			NOTIFICATION DATE	DELIVERY MODE
			07/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIYOSHI CHOSOKABE

Appeal 2009-007957
Application 10/726,612
Technology Center 3700

Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

On November 19, 2007, Appellant filed a Notice of Appeal. On December 3, 2008, the Examiner mailed a new Examiner's Answer including a new ground of rejection and giving Appellants the option to either (1) Reopen prosecution or (2) Maintain appeal. On March 9, 2009, Appellants filed a response under 37 C.F.R. § 1.111 where the Appellants elected to reopen prosecution before the Examiner. Instead of reopening prosecution in response to Appellants request, the case was erroneously docketed for appeal.

Appeal 2009-007957
Application 10/726,612

Accordingly, it is

ORDERED that the application is remanded to the Examiner to reopen prosecution.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/mls

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